

**MINUTES OF THE JANUARY 2, 2007
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

John H. Tarr, Mayor
Anita Speidel, Vice Mayor
Nancy B. Conklin, Councilwoman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman
E. David Ross, Councilman
Glenn B. Wolffe, Councilman

Call to Order

Mayor Tarr called the meeting to order at 7:36 p.m.

Invocation

Councilman Howard offered the invocation.

Pledge of Allegiance

Mayor Tarr led the Pledge of Allegiance.

Agenda Additions/Deletions and Adoption

Councilwoman Conklin motioned, seconded by Councilman Wolffe, to adopt the agenda as presented. The motion was unanimously approved.

1. Adoption of the Minutes.

- Regular Council Meeting of December 4, 2006 – Councilman Howard motioned, seconded by Vice Mayor Speidel, to approve the minutes as presented. The motion was unanimously approved.
- Special Council and Planning Commission Workshop Meeting of December 5, 2006 – Councilman Howard motioned, seconded by Vice Mayor Speidel, to approve the minutes as presented. The motion was unanimously approved.

2. Public Works Committee Report of December 12, 2006.

Councilwoman Conklin motioned, seconded by Councilman Wolffe, to approve the minutes as presented. The motion was unanimously approved.

3. Ordinance Committee Report of December 13, 2006.

Vice Mayor Speidel motioned, seconded by Councilwoman Conklin, to approve the minutes as presented. The motion was unanimously approved.

- Adoption of the Revised Ordinance: *Chapter 14, Article II, Division 2, Permit Fees* – Councilman Wolffe motioned, seconded by Councilman Howard, to adopt the following revised ordinance. The motion was unanimously approved.

Chapter 14

BUILDINGS AND BUILDING REGULATIONS*

Article I. In General

Secs. 14-1—14-25. Reserved.

Article II. Building Code

Division 1. Generally

Sec. 14-26. Enforcement of Uniform Statewide Building Code.
Secs. 14-27—14-55. Reserved.

Division 2. Permit Fees

Sec. 14-56. Established.
Sec. 14-57. Exceptions
Sec. 14-58. Repealed.
Secs. 14-59—14-85. Reserved.

Article III. Unsafe Buildings

Sec. 14-86. Removal, repair or securing of buildings and other structures.
Sec. 14-87. Buildings exempt from Uniform Statewide Building Code.

***Charter references**—Regulation of buildings, ch. 2, § 1(22), (25); issuance of building permits in conformity with town plan, ch. 3, §§ 6, 7.

Cross references—Environment, ch. 22; fire prevention and protection, ch. 26; floods, ch. 30; solid waste, ch. 46; streets, sidewalks and other public places, ch. 50; building numbers, § 50-176 et seq.; utilities, ch. 62; vegetation, ch. 66; waterways, ch. 70; zoning, app. A; land subdivision and development, app. B.

State law references—Access to and use of buildings by handicapped, Code of Virginia, § 2.1-517; removal, repair, etc., of buildings and other structures, Code of Virginia, § 15.2-906 et seq.; light, ventilation, sanitation and use and occupancy of buildings, Code of Virginia, § 15.2-1117; limitation of prosecutions of building code violations, Code of Virginia, § 19.2-8; Virginia Industrialized Building Safety Law, Code of Virginia, § 36-70 et seq.; Uniform Statewide Building Code, Code of Virginia, § 36-97 et seq.; effect of building code on other building regulations, Code of Virginia, § 36-98; enforcement of building code, appeals from decisions of local building department, inspection of buildings, Code of Virginia, § 36-105; voluntary apprenticeship, Code of Virginia, § 40.1-117 et seq.; contractors, Code of Virginia, § 54.1-1100 et seq.; local licensing of certain contractors, Code of Virginia, § 54.1-1117.

ARTICLE I. IN GENERAL

Secs. 14-1—14-25. Reserved.

ARTICLE II. BUILDING CODE

DIVISION 1. GENERALLY

Sec. 14-26. Enforcement of Uniform Statewide Building Code.

The town shall enforce the Uniform Statewide Building Code in the town and shall provide its own inspectors. (Code 1977, § 5-1)

State law reference—Enforcement of Uniform Statewide Building Code, Code of Virginia, § 36-105.

Secs. 14-27—14-55. Reserved.

DIVISION 2. PERMIT FEES

Sec. 14-56. Established.

The town council shall establish a schedule of fees and charges for building and zoning permits and related costs. Such schedule of fees and charges shall be posted in the office of the building and zoning administrator and may be amended only by action of the town council upon recommendation of the budget and personnel committee.

(Amended 01/02/07.)

Sec. 14-57. Exceptions.

A building permit shall be required, however no fee shall be required for the following:

- (1) Repealed.
- (2) Structures or buildings owned by a nonprofit organization, approved by the United States Internal Revenue Service, or local, state or federal governments. A building permit is still required.
- (3) Repealed.
- (4) Repealed.
- (5) Repealed.
- (6) Repealed.
- (7) A fence. A zoning permit is still required.
- (8) Repealed.

(Code 1977, § 5-2; Ord. of 4-01-1991 (4); Ord. of 11-5-1990 (5); Ord. of 12-03-1990 (6-7); Ord. of 5-17-2001 (8))
(*Amended 01/02/07.*)

Sec. 14-58. Repealed.

4. Budget and Personnel Committee Report of December 19, 2006.

Vice Mayor Speidel motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. The motion was unanimously approved.

- New Position Description: Water Works Development Specialist – Councilman Wolffe motioned, seconded by Councilwoman Conklin, to approve the position description as presented. The motion was unanimously approved.
- Changes in Mosquito Control Job Descriptions
 - a) Mosquito Control Supervisor – Councilwoman Conklin motioned, seconded by Vice Mayor Speidel, to approve the job description as presented. The motion was unanimously approved.
 - b) Mosquito Control Technician - Councilwoman Richardson motioned, seconded by Vice Mayor Speidel, to approve the job description as presented. The motion was unanimously approved.

5. Scheduling of a Date for a Public Hearing to Amend Section 2.96 of the Zoning Ordinance.

Mayor Tarr explained that Council needed to schedule a date for a public hearing to amend Section 2.96 of the Town's Zoning Ordinance by adding to the definition of Main Use. Councilman Howard motioned, seconded by Councilwoman Richardson, to hold a public hearing to amend Section 2.96 of the Zoning Ordinance at the regular Council meeting on January 18, 2007. The motion was unanimously approved.

6. Scheduling of a Date for a Joint Public Hearing with the Planning Commission to Amend Sections 8.5.2, 11.1.3 and 12.1.1 through 12.1.7 of the Zoning Ordinance.

Mayor Tarr explained that Council needed to schedule a date for a joint public hearing with the Planning Commission to amend Sections 8.5.2, 11.1.3 and 12.1.1 through 12.1.7 of the Town's Zoning Ordinance by deleting the rates. Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to hold a public hearing to amend Sections 8.5.2, 11.1.3 and 12.1.1 through 12.1.7 of the Zoning Ordinance at the regular Council meeting on January 18, 2007. The motion was unanimously approved.

7. Results of Christmas Decoration Judging.

Mayor Tarr announced the results of the Christmas decoration judging and explained that the winners of each category (*) will receive a \$100 savings bond. The winners for 2006 are:

- Best Overall Appearance* – Kevin Krome and Steve Potts

- Most Illuminated* – Ray and Nancy Rosenberger
- Most Festive* – Arlene Shreves
- Most Creative* – Alfred “Dino” and Sharon Johnson
- Honorable Mention – Chris and Stephanie Montross, Bill and Ginger Birch

8. *Mayor and Council Announcements or Concerns.*

- Councilman Howard commented on the tradition of a man visiting a house before a woman on New Year’s Day.
- Councilwoman Richardson showed Council pictures of where poles have been placed in the Town’s right-of-way. She also commented on the danger of trees that grow into the right-of-way. Mayor Tarr responded that the Public Works Committee will review the matter.
- Town Attorney Poulson informed Council that he has written a memo to the court regarding the proposed changes to the Noise Ordinance and that he is awaiting the court’s response to the memo.

Adjournment of Meeting

Mayor Tarr announced that the next meeting will be on January 18, 2007 at 7:30 pm. Councilwoman Conklin motioned, seconded by Councilwoman Richardson, to adjourn the meeting. The motion was unanimously approved.

Mayor

Town Manager